

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alex Starace	Team: Team # 8	CCRB Case #: 200908413	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2009 11:07 PM	Location of Incident: East 241st Street and Furman Avenue	Precinct: 47	18 Mo. SOL 11/30/2010	EO SOL 11/30/2010	
Date/Time CV Reported Sun, 05/31/2009 1:52 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 05/31/2009 1:52 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Thomas Iaquinto	02253	926976	047 PCT
2. POM Robert Roda	01234	939332	047 PCT
3. LT Timothy Burke	00000	895249	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Beddows	30576	926556	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Thomas Iaquinto	Abuse: Sgt. Thomas Iaquinto stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.SGT Thomas Iaquinto	Abuse: Sgt. Thomas Iaquinto frisked § 87(2)(b)	
C.SGT Thomas Iaquinto	Abuse: Sgt. Thomas Iaquinto searched § 87(2)(b)	
D.SGT Thomas Iaquinto	Discourtesy: Sgt. Thomas Iaquinto acted rudely toward § 87(2)(b)	
E.SGT Thomas Iaquinto	Discourtesy: Sgt. Thomas Iaquinto spoke obscenely to § 87(2)(b)	
F.POM Robert Roda	Abuse: PO Robert Roda searched the car in which § 87(2)(b) was an occupant.	
G.SGT Thomas Iaquinto	Discourtesy: Sgt. Thomas Iaquinto acted rudely toward § 87(2)(b)	
H.LT Timothy Burke	Abuse: Lt. Timothy Burke did not process § 87(2)(b) s complaint regarding (an) officer(s).	

Case Summary

On May 31, 2009, § 87(2)(b) called the CCRB to file a complaint.

On May 30, 2009, at approximately 11:00 pm, § 87(2)(b) (§ 87(2)(b)'s nephew) and three of § 87(2)(b)'s younger nephews, § 87(2)(b) and § 87(2)(b) were riding in a car that § 87(2)(b) had rented. The vehicle was pulled over by an unmarked police car containing Sgt. Iaquinto, PO Beddows and PO Roda of the 47th Precinct. The following allegations resulted from the officers' actions:

Allegation A – Abuse of Authority: Sgt. Iaquinto stopped § 87(2)(b)'s vehicle.

§ 87(2)(g)

Allegations B and C – Abuse of Authority: Sgt. Iaquinto frisked and searched § 87(2)(b)

§ 87(2)(g)

Allegation D – Discourteous Action: Sgt. Iaquinto acted rudely toward § 87(2)(b)

§ 87(2)(g)

Allegation E – Discourteous Language: Sgt. Iaquinto used discourteous language when speaking with § 87(2)(b) § 87(2)(g)

Allegation F – Abuse of Authority: PO Roda allegedly searched § 87(2)(b)'s vehicle. None of the officers could recall this allegation. § 87(2)(g)

Allegation G – Discourteous Action: Sgt. Iaquinto acted rudely towards § 87(2)(b)

§ 87(2)(g)

Allegation H – Abuse of Authority: Lt. Timothy Burke refused to process § 87(2)(b)

's complaint. § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. He is a black male who is 5'8" tall and weighs 170 pounds. He has black hair and black eyes. § 87(2)(b)

Interview Statement

On May 30, 2009, at approximately 11:07 pm, § 87(2)(b) was driving a rental car on East 241st Street in the Bronx. In the car were four other people. In the passenger seat was § 87(2)(b). In the back seat were three of § 87(2)(b)'s young nephews. § 87(2)(b) saw an unmarked dark-colored sedan behind him turn on its "cherry lights." § 87(2)(b) had committed

no traffic infractions, but once he realized the lights were for him, he pulled over to the side of the road. **(Allegation A)**

Officers, identified by the investigation as Sgt. Iaquinto, PO Beddows and PO Roda, got out of the vehicle. PO Beddows approached the driver's side, while Sgt. Iaquinto approached the passenger side. PO Roda stood behind § 87(2)(b)'s vehicle.

PO Beddows asked for § 87(2)(b)'s license and registration. § 87(2)(b) gave PO Beddows his license and his rental contract. § 87(2)(b) then asked PO Beddows why he had been pulled over. PO Beddows ignored § 87(2)(b). Shortly thereafter, PO Roda tried to speak to § 87(2)(b)'s nephews in the back seat. All the nephews in the back seat were under twelve years old, so § 87(2)(b) rolled up the window through which PO Roda had been speaking to his nephews. § 87(2)(b) stated that "I'm the grown-up here, you don't need to be talking to the kids."

PO Beddows then told § 87(2)(b) to get out of the car. § 87(2)(b) did so. PO Beddows told § 87(2)(b) to go to the back of his vehicle, which he did. § 87(2)(b) asked if he was pulled over just because he had an out-of-state license plate. Sgt. Iaquinto approached and told § 87(2)(b) "Who the fuck do you think you are?" **(Allegation E)** § 87(2)(b) began talking back to Sgt. Iaquinto. § 87(2)(b) stated that he didn't argue with the officers, but that he was "challenging" them about why they pulled him over. § 87(2)(b) raised his voice a little bit such that he was speaking at a volume of 6 out of 10. § 87(2)(b) was not making any gestures while speaking with the officers.

Sgt. Iaquinto asked § 87(2)(b) where he was from. § 87(2)(b) said, "You have my license. You can see." Sgt. Iaquinto continued talking to § 87(2)(b). § 87(2)(b) told Sgt. Iaquinto that he didn't need to worry about the questions he was asking him. At this point, Sgt. Iaquinto told § 87(2)(b) that if he said anything else, he would be handcuffed. § 87(2)(b) was then asked a question by Sgt. Iaquinto. However, § 87(2)(b) did not remember what that question was. When § 87(2)(b) responded by saying, "No," Sgt. Iaquinto handcuffed § 87(2)(b).

The officers then had everyone get out of the car. PO Roda searched the car by looking under the front and back seats and by opening the glove compartment **(Allegation F)**. § 87(2)(b) was then placed in the rear passenger seat of the RMP. § 87(2)(b) didn't have enough room for his knees in the back seat, so he told Sgt. Iaquinto to pull up his seat. Sgt. Iaquinto responded by pushing back his seat as far as it would go, causing § 87(2)(b) to have to spread his legs to the sides so that the seat could go back **(Allegation G)**. Sgt. Iaquinto was doing this, § 87(2)(b)'s knees initially bumped the back of the seat. PO Beddows accused him of kicking the back of the seat.

§ 87(2)(b) was then taken to the 47th Precinct Station House. After forty minutes, PO Roda got § 87(2)(b) out of his cell. § 87(2)(b) was issued two summonses for § 87(2)(b). § 87(2)(b) was escorted to the lobby by PO Roda. § 87(2)(b) decided he would like to file a complaint. A lady was talking to PO4, who was behind a desk. Once the lady was finished, § 87(2)(b) walked up to the desk and stated to PO4 his desire to make a complaint. PO4 told § 87(2)(b) that he couldn't make a complaint. § 87(2)(b) went a few steps outside and then went back inside the Station House. PO5 was now sitting behind the desk. § 87(2)(b) asked PO5 to get PO4 so he could make a complaint. PO5 got PO4 and an officer identified as Lt. Burke.

PO Burke came over and told § 87(2)(b) that he couldn't file a complaint because he would have his day in court **(Allegation H)**. § 87(2)(b) was escorted out of the Station House again and was told by Lt. Burke that if he came back, he would be arrested. § 87(2)(b) left.

Additional Complainant: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) years old. He is a black male who is 5'9" tall. He has a medium-stocky build. He has black hair and brown eyes.* § 87(2)(b)

Interview Statement

On May 30, 2009, at approximately 11:07 PM, § 87(2)(b) was riding in the passenger seat of a car on East 241st Street in the Bronx. In the car, beside himself, were four other people – § 87(2)(b) and three of § 87(2)(b)'s cousins. § 87(2)(b) was driving and encountered another car, one that was stopped at a stoplight even though the light was green. § 87(2)(b) put on his turn signal and went around the car and continued driving. Less than a minute after that, an unmarked police vehicle pulled over § 87(2)(b)'s car. PO Beddows went to § 87(2)(b)'s side of the vehicle and Sgt. Iaquinto went to § 87(2)(b)'s side of the vehicle. PO Roda stayed behind the vehicle.

§ 87(2)(b) asked PO Beddows why he was being pulled over. PO Beddows said he'd tell § 87(2)(b) when they were finished. § 87(2)(b) then asked calmly for all the officers' badge numbers and identification. § 87(2)(b) made his request two or three times. The officers had a calm demeanor at first, but when § 87(2)(b) continually asked them for their badge numbers and continually asked them why he had been pulled over, the officers got angry and started yelling. § 87(2)(b) handed PO Beddows his paperwork and explained that he was driving a rental car. § 87(2)(b) still had a calm demeanor.

Sgt. Iaquinto told § 87(2)(b) to roll down his window. § 87(2)(b) did so, but the window would only roll down half-way. Sgt. Iaquinto started yelling and saying, "Are you serious? Why is it not going all the way down?"

PO Beddows told § 87(2)(b) to get out of the car. § 87(2)(b) had been talking with PO1 for two or three minutes before he was asked to exit the vehicle. PO Beddows took § 87(2)(b) by the police car, so § 87(2)(b) could not hear specifically what § 87(2)(b) and PO Beddows were talking about.

Sgt. Iaquinto told § 87(2)(b) to stand behind § 87(2)(b)'s car. PO Roda then approached § 87(2)(b)'s cousins in the back of the vehicle and asked the cousins to roll down the window. The cousins tried to roll down the window, but it would not go down. The cousins were then also asked to get out of the vehicle.

Sgt. Iaquinto told § 87(2)(b) to put his phone on top of his car. Sgt. Iaquinto then asked § 87(2)(b) if he had anything in his pockets. § 87(2)(b) stated that he shouldn't. Sgt. Iaquinto patted down the outside of all of § 87(2)(b)'s pockets (**Allegation B**). Sgt. Iaquinto then reached into all of § 87(2)(b)'s pockets (**Allegation C**) and in one of the pockets Sgt. Iaquinto found § 87(2)(b)'s work knife. Sgt. Iaquinto started yelling at § 87(2)(b) saying, "I thought you had nothing in your pockets!" Sgt. Iaquinto then grabbed § 87(2)(b)'s shirt on the front of the upper chest while he continued to yell at § 87(2)(b) and said, "Why is your heart racing?" § 87(2)(b) said, "Because you're searching me!" After yelling, Sgt. Iaquinto released § 87(2)(b)'s shirt and lightly pushed § 87(2)(b) with one hand on the chest (**Allegation D**). § 87(2)(b) did not fall down or stumble as a result of the push.

PO Beddows started yelling and saying that he would take all of them with him. Two officers searched the front and the passenger seat of § 87(2)(b)'s vehicle. § 87(2)(b) did not remember which officers conducted the search. The officers were using flashlights to do this; § 87(2)(b) saw one officer search underneath a seat and the center console, but did not know where else the officers searched. When § 87(2)(b) returned to the vehicle, he did not notice anything damaged or unusual about the interior of the car.

Civilians Not Contacted

Initially, § 87(2)(b) claimed that § 87(2)(b) and § 87(2)(b) who were sitting in the back of his rental car, were all under 12 years old. § 87(2)(g)

However, in speaking with § 87(2)(b) it was discovered that § 87(2)(b)'s nephews were much older than § 87(2)(b) had stated – according to § 87(2)(b) two of the nephews were approximately 14 or 15 years old. However, § 87(2)(b) did not know their contact information.

When § 87(2)(b) was telephoned about this matter, he admitted that one of the nephews was actually 16, but refused to provide either a telephone number or a mailing address for any of the nephews.

§ 87(2)(g)

NYPD Statement(s):

Subject Officer: SGT. THOMAS IAQUINTO

- *At the time of the incident, Sgt. Iaquinto was § 87(2)(b) old. He is a white male who is 6'0" tall and weighs 220 pounds. He has brown hair and hazel eyes.*
- *On May 30, 2009, Sgt. Iaquinto worked from 5:25 PM to 2:10 AM on May 31, 2009. He was in plainclothes. He was assigned to Anti-Crime as Supervisor and his partners were PO Beddows and PO Roda. He was assigned to an unmarked vehicle, either 244 or 246, but did not recall which -- both are Crown Victorias.*

Interview Statement

On May 30, 2009, Sgt. Iaquinto observed a car with a lot of people in it swerving back and forth. The officers pulled over the car because it was swerving.

Sgt. Iaquinto approached the passenger-side of the vehicle, while PO Beddows approached the driver's side of the vehicle. PO Beddows requested that the driver of the vehicle (whom the investigation has identified as § 87(2)(b) to roll down his window and provide his license and registration. Sgt. Iaquinto heard § 87(2)(b) refuse to do so. Because § 87(2)(b) refused to provide his license and registration, PO Beddows asked § 87(2)(b) to get out of the vehicle. When § 87(2)(b) got out of the vehicle, he stood so close to PO Beddows that § 87(2)(b) was standing on PO Beddows' foot. Sgt. Iaquinto described § 87(2)(b) as aggressive in his demeanor.

PO Beddows took § 87(2)(b) to the back of his vehicle while Sgt. Iaquinto watched the vehicle and made sure that none of the individuals inside the vehicle did anything unexpected. Sgt. Iaquinto did not recall specifically how many passengers had been in the vehicle with § 87(2)(b) but did state that there were "a few." Sgt. Iaquinto did not know what happened behind the vehicle, nor did he see PO Beddows take § 87(2)(b) to the back of the vehicle, because Sgt. Iaquinto was still watching the individuals in the vehicle. Sgt. Iaquinto heard § 87(2)(b) yelling, but did not see § 87(2)(b) and PO Beddows interacting behind the vehicle. Sgt. Iaquinto did not recall what specifically § 87(2)(b) was yelling.

Sgt. Iaquinto stated that he did not ask any of the individuals in the vehicle to get out of the vehicle. Sgt. Iaquinto did not frisk or search any of the individuals in the vehicle. Later, Sgt. Iaquinto stated that he did not recall if any of the individuals other than § 87(2)(b) were frisked or searched, or if he did so. Sgt. Iaquinto did not recall if any of the officers at the location searched § 87(2)(b)'s vehicle. Sgt. Iaquinto did not grab any individual by the shirt collar and yell at him,

“Why is your heart racing?!” Sgt. Iaquinto did not push any individual at the location. PO Beddows did not threaten to arrest everyone in the vehicle.

§ 87(2)(b) was eventually arrested by PO Beddows for § 87(2)(b) and placed in the back of the officers’ car. Because the car was unmarked, it did not have a cage. § 87(2)(b) was in a seatbelt, but he was still kicking the back of Sgt. Iaquinto’s seat. PO Beddows was trying to hold down § 87(2)(b)’s legs as he was doing this. § 87(2)(b) did not express that Sgt. Iaquinto’s seat was too close to him. Sgt. Iaquinto never moved his seat back towards § 87(2)(b).

Sgt. Iaquinto entered § 87(2)(b) in the command log at the 47th Precinct Station House, and then left the Station House and returned to duty – Sgt. Iaquinto did not interact with § 87(2)(b) when § 87(2)(b) was released from the Station House.

Subject Officer: PO ROBERT RODA

- *At the time of the incident, PO Roda was § 87(2)(b) old. He is a white male who is 5’7” tall and weighs 180 pounds. He has brown hair and hazel eyes.*
- *On May 30, 2009, PO Roda worked from 5:30 PM to 2:05 AM on May 31, 2009. He was in plainclothes. He was assigned to Anti-Crime and his partner was PO Beddows. He was assigned to an unmarked vehicle, but he did not remember which.*

Interview Statement

PO Roda had no recollection of this incident.

Subject Officer: LT. TIMOTHY BURKE

- *At the time of the incident, Lt. Burke was § 87(2)(b) old. He is a white male who is 5’10” tall and weighs 215 pounds. He has brown hair and brown eyes.*
- *On May 30, 2009, Lt. Burke worked from 11:00 PM to 0745 AM on May 31, 2009. He was in uniform and was working as the desk officer at the 47th Precinct.*

Interview Statement

Lt. Burke did not have any recollection of this incident.

Witness Officer: PO DANIEL BEDDOWS

- *At the time of the incident, PO Beddows was § 87(2)(b) old. He is a white male who is 5’10” tall and weighs 200 pounds. He has brown hair and black eyes.*
- *On May 30, 2009, PO Beddows worked from 5:30 PM to 2:05 AM on May 31, 2009. He was in plainclothes. He was assigned to Anti-Crime and his partners were PO Roda and Sgt. Iaquinto. He was assigned to an unmarked blue Crown Victoria.*

Interview Statement

On May 30, 2009, PO Beddows was driving an unmarked police car, Sgt. Iaquinto was in the passenger seat and PO Roda was in the rear of the vehicle. The officers were driving westbound on East 241st Street, behind a vehicle (identified through investigation as § 87(2)(b)’s vehicle). There were two lanes in each direction on East 241st Street and § 87(2)(b)’s vehicle was straddling the line that divided the two lanes in the direction § 87(2)(b) was going. § 87(2)(b)’s vehicle had been doing so for about half a block to a block. Just before § 87(2)(b) turned right onto Baychester Avenue, the officers signaled for § 87(2)(b) to pull over; the officers suspected him of drunken driving. § 87(2)(b) pulled over.

PO Beddows approached the driver’s side of § 87(2)(b)’s vehicle while Sgt. Iaquinto approached the passenger side of the vehicle. PO Roda stayed behind § 87(2)(b)’s vehicle. PO Beddows asked for § 87(2)(b)’s license and registration. § 87(2)(b) refused to show PO Beddows

his license. § 87(2)(b) asked, “Why do you want to see it? What did I do?” PO Beddows told § 87(2)(b) he would tell him in a moment and asked § 87(2)(b) again for his license and registration. § 87(2)(b) again refused. PO Beddows asked a third time and again § 87(2)(b) refused.

PO Beddows opened § 87(2)(b)'s car door and asked § 87(2)(b) to get out of the car. § 87(2)(b) got out of the car and stood so close to PO Beddows that he was standing on PO Beddows' foot. PO Beddows told § 87(2)(b) “You're on my foot,” but § 87(2)(b) did not move and instead stared at § 87(2)(b). PO Beddows had to step back to pull his foot out from underneath § 87(2)(b)'s foot.

PO Beddows then asked § 87(2)(b) to step to the back of his vehicle. Once at the back of the vehicle, PO Beddows again asked for § 87(2)(b)'s driver's license. PO Beddows told § 87(2)(b) that he was going to be arrested for not giving him his identifying documents after he had been asked to do so three times. § 87(2)(b) gave his identifying documents to PO Beddows. § 87(2)(b) started pointing at PO Beddows' chest and shouting, “You can't do this! You can't do this!” and was standing within a foot and a half of PO Beddows' person. PO Beddows found § 87(2)(b)'s demeanor threatening because § 87(2)(b) was so close to him and because he was so loud and angry and had not been compliant previously. PO Beddows and Sgt. Iaquinto jointly decided to handcuff § 87(2)(b) and take him to the Station House.

The other people in § 87(2)(b)'s vehicle were just sitting; they had a calm demeanor. PO Beddows did not remember the other people in the vehicle getting out of the vehicle. Neither PO Beddows nor any other officers at the scene told § 87(2)(b) “Who the fuck do you think you are?” PO Beddows was not aware of the passenger in § 87(2)(b)'s vehicle, § 87(2)(b) being frisked or searched. None of the officers at the location grabbed § 87(2)(b)'s shirt by the neck area. None of the officers shouted at § 87(2)(b) “Why is your heart racing!?” PO Beddows did not remember any of the officers searching or looking inside of § 87(2)(b)'s car. None of the officers present threatened to arrest everyone in the car.

After § 87(2)(b) was handcuffed, § 87(2)(b) was placed in the RMP. Because PO Beddows had been dealing with § 87(2)(b), PO Beddows sat in the back of the RMP while PO Roda drove the RMP to the Station House. Sgt. Iaquinto was seated in the front passenger seat of the RMP. § 87(2)(b) started yelling in the back of the car and began kicking the back of Sgt. Iaquinto's seat. § 87(2)(b) did not state that the seat in front of him was too close to his knees. No officer moved his seat backwards into § 87(2)(b) when § 87(2)(b) was in the back of the car. PO Beddows had to hold down § 87(2)(b)'s legs and hold back his chest so that he wouldn't continue to kick the back of Sgt. Iaquinto's seat.

After § 87(2)(b) was processed at the Station House and wrote two summonses, PO Beddows explained the summonses to § 87(2)(b). § 87(2)(b) asked for PO Beddows' name. PO Beddows verbally gave § 87(2)(b) his name and explained that it was written on the bottom of the summonses he had been issued. § 87(2)(b) stated that he wanted to make a complaint about the incident. § 87(2)(b) and PO Beddows happened to be standing next to a sign that had the CCRB's phone number on it, so PO Beddows pointed to the sign and explained that if § 87(2)(b) wanted to file a complaint, he could do so by calling the number for the CCRB.

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- Neither § 87(2)(b) nor § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 4, 2010 with regard to the incident. (encl. 16A)

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Subject Officer(s) CCRB History

- Sgt. Iaquinto has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. 2A).
- PO Roda has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2B).
- Lt. Burke has been a member of the service for twenty years and there are no substantiated CCRB allegations against him (encl. 2C).

Conclusion

Identification of Subject Officer(s)

§ 87(2)(g)

Sgt. Iaquinto and PO Beddows stated that Sgt. Iaquinto went to the passenger side of § 87(2)(b)'s vehicle. § 87(2)(b) alleged that the officer who appeared on the passenger side of his vehicle frisked him, searched him, and acted discourteously towards him. § 87(2)(g)

§ 87(2)(b) stated that the officer who had initially been on the passenger side of his vehicle came behind the vehicle and spoke obscenely to him. § 87(2)(g)

§ 87(2)(b) stated that the officer who initially stayed behind their vehicle eventually searched the vehicle. PO Beddows identified the officer who was initially standing behind the vehicle as PO Roda. § 87(2)(g)

§ 87(2)(b) stated that the same officer who spoke obscenely to him later acted discourteously towards him. § 87(2)(g)

§ 87(2)(b) stated that a 6'1" tall, 220 pound white male officer wearing a white shirt told him in the Station House that he couldn't file a complaint. This description matches Lt. Burke, who was the desk supervisor at the time of the allegation. § 87(2)(g)

Allegations Not Pleaded

While § 87(2)(b) alleged that PO Beddows had shouted at the civilians that he would take "all of them with him," § 87(2)(b) did not make this allegation. § 87(2)(g)

§ 87(2)(b) stated that Lt. Burke told him if he didn't leave the Station House, he would be arrested. However, the investigation considers this threat of arrest as part of Lt. Burke's alleged attempt to get § 87(2)(b) out of the Station House without his filing a complaint. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Sgt. Thomas Iaquinto stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(g)

Regarding the circumstances prior to the stop:

- § 87(2)(b) claimed that he had committed no traffic infractions.
- § 87(2)(b) stated that a car was stopped at a stoplight even though the light was green, so § 87(2)(b) put on his turn signal and went around the car and continued driving.
- Sgt. Iaquinto stated that the car was full of people and it was swerving back and forth.
- PO Beddows stated that the car was straddling a lane divider for approximately half a block and that he and the other officers believed the driver may have been drunk.

§ 87(2)(g)

Allegation B – Sgt. Thomas Iaquinto frisked § 87(2)(b)

Allegation C – Sgt. Thomas Iaquinto searched § 87(2)(b)

With regard to this allegation:

- § 87(2)(b) alleged that he was taken behind § 87(2)(b)'s vehicle and that he was frisked and searched there. While this was taking place, § 87(2)(b) himself was near the police vehicle, talking with PO Beddows.
- Sgt. Iaquinto denied that a frisk or search took place, but then, later in his interview, recanted and stated that he did not recall if a frisk or search took place, or if he did it.
- PO Beddows did not remember civilians other than § 87(2)(b) getting out of the vehicle. PO Beddows was not aware of the passenger in § 87(2)(b)'s vehicle, § 87(2)(b) being frisked or searched.
- § 87(2)(b) did not make these allegations despite the fact that he was likely in close proximity to their occurrence. However, § 87(2)(b) would have been engaged with PO Beddows at the allegations' time of occurrence.

§ 87(2)(g)

Moreover, Kamins' *New York Search and Seizure*, Section 5.04, (encl. 1A-B) has a detailed and specific account of what would constitute a proper frisk of a vehicle passenger. § 87(2)(g)

Allegation D – Sgt. Thomas Iaquinto acted rudely toward § 87(2)(b)

As with Allegations B and C, Sgt. Iaquinto could not speak to the allegation, nor could any of the other individuals present at the location. § 87(2)(g)

§ 87(2)(g)

Allegation E – Sgt. Thomas Iaquinto spoke obscenely to § 87(2)(b)

With regard to this allegation:

- § 87(2)(b) stated that Sgt. Iaquinto interrupted his conversation with PO Beddows to ask him, “Who the fuck do you think you are?”
- § 87(2)(b) made no such allegation.
- Sgt. Iaquinto stated that PO Beddows was talking to § 87(2)(b) behind § 87(2)(b)'s vehicle and that Sgt. Iaquinto did not know what was being said.
- PO Beddows denied that any officer at the scene uttered the statement in question.

§ 87(2)(g)

Allegation F -- PO Robert Roda searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.

As with Allegations B and C, none of the officers present at the scene could speak to this allegation. § 87(2)(g)

Allegation G – Sgt. Thomas Iaquinto acted rudely toward § 87(2)(b)

With regard to this allegation:

- § 87(2)(b) claimed that Sgt. Iaquinto moved his seat backwards in the unmarked police vehicle, such that he intentionally hit § 87(2)(b)'s knees. When § 87(2)(b) tried to complaint, the officers accused him of kicking the seat.
- Sgt. Iaquinto stated that § 87(2)(b) was kicking the back of Sgt. Iaquinto's seat. PO Beddows was trying to hold down § 87(2)(b)'s legs as he was doing this. § 87(2)(b) did not express that Sgt. Iaquinto's seat was too close to him. Sgt. Iaquinto never moved his seat back towards § 87(2)(b).
- PO Beddows stated that no officer moved his seat backwards into § 87(2)(b) when § 87(2)(b) was in the back of the police car. § 87(2)(b) began kicking the back of Sgt. Iaquinto's seat and yelling. PO Beddows had to hold down § 87(2)(b)'s legs and hold back his chest so that he wouldn't continue to kick the back of Sgt. Iaquinto's seat.

§ 87(2)(g)

Allegation H – Lt. Timothy Burke did not process § 87(2)(b)'s complaint regarding (an) officer(s).

Lt. Burke did not recall this allegation. § 87(2)(b) gave a detailed, nuanced depiction of this allegation.

§ 87(2)(g)

§ 87(2)(b) also acknowledged that he:

- Rolled his car window up on PO Roda and told PO Roda to stop talking to his nephews
- Told Sgt. Iaquinto that he didn't need to worry about the questions he was asking him.

- Asked PO Beddows if the sole reason he was pulled over was because he had an out-of-state license plate.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: _____

:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date